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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA, )

10 Plaintiff, )

11 v. )

12 JAMES ARTHUR VALENTINE, )

13 Defendant. )  
14

NO. CR07-385RSM

ORDER DENYING  
DEFENDANT'S REQUEST TO  
MODIFY THE CONDITIONS  
OF DETENTION

15 THIS MATTER comes before the Court upon a motion by the Defendant  
16 requesting that the Court revoke the detention order entered by the Magistrate Judge and  
17 set an immediate hearing to modify the conditions of detention. After fully reviewing  
18 that motion, the record of the hearing before the Magistrate Judge, the affidavits  
19 submitted, the Magistrate Judge's Order of Detention, and the entirety of the records and  
20 files herein, the Court FINDS and RULES as follows:

21 1. The defendant has been charged with one count of bank robbery, in violation  
22 of 18 U.S.C. § 2113(f). The defendant was under surveillance by law enforcement  
23 authorities when he allegedly committed the robbery in question. After his arrest he  
24 confessed to other robberies as well.

25 2. The defendant appeared with counsel before the Hon. Mary Alice Theiler,  
26 U.S. Magistrate Judge, on November 16, 2007, for a detention hearing. At that hearing  
27 the defendant stipulated to detention pending trial, however, he requested that he be  
28 immediately transferred to Harborview Hospital for treatment of a severe staph infection  
that left him with large wounds on both arms and his right leg.

1           3. The defendant had previously been at providence Hospital before being  
2 discharged into the custody of the U. S. Marshals. At the hospital he was given  
3 antibiotics for his staph infection and methadone for his heroin withdrawal.

4           4. At the detention hearing, the Magistrate Judge reviewed the defendant's  
5 medical records and also heard from the U.S. marshals regarding their understanding of  
6 the medical care that the defendant would be receiving while held at the Federal  
7 Detention Center (FDC).

8           5. The Magistrate Judge was ultimately satisfied that the defendant's medical  
9 condition could be adequately treated by medical staff at the FDC and ordered the  
10 defendant detained.

11           6. The defendant self reports that following his detention on November 16, that  
12 his condition has worsened and that he is in extreme pain. He requests that this Court  
13 modify the conditions of detention and either; (1) transfer him to a hospital, or (2)  
14 transfer him to the Community Corrections Center in Seattle, to be permitted leave solely  
15 for outpatient care at providence Everett medical Center until his infection resolves.

16           7. Nothing in this record shows any substantial change in the defendant's  
17 condition from the day he appeared before the Magistrate Judge. The medical staff at the  
18 FDC are properly trained to evaluate and treat the defendant's medical condition. If they  
19 determine that he needs additional help that can't be provided at the FDC, they will  
20 request that the marshals transport the defendant to a hospital.

21           8. Therefore, after reviewing all of the evidence presented, this Court DENIES  
22 the defendant's motion to modify the conditions of detention as requested.

23           DATED this 26 day of November, 2007.

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26 RICARDO S. MARTINEZ  
27 UNITED STATES DISTRICT JUDGE  
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